IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Crl.MC.No. 12 of 2004

CC.520/2000 of JUDL.MAGISTRATE OF FIRST CLASS COURT, KUTHUPARAMBA

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PETITIONER/PETITIONER:

ASYAMAMI, W/O. C.P.MAYIN ALI,
JAMEELA MANZIL, PADUVILAYI AMSOM,
VENGAD DESOM, P.O.VENGAD,
THALASSERY TALUK.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS/RESPONDENTS:

1. SUB INSPECTOR OF POLICE,
   KOOTHUPARAMBA.

2. STATE OF KERALA, REP. BY THE PUBLIC
   PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

ADDL. R3 IMPLEADED

C.P.ASMA, W/O MUHAMMED, JAMEELA
MANZIL, P.O. VENGAD, VIA ANJARAKANDI,
PIN - 670 612, KANNUR DISTRICT.

Impleaded as per order dt. 13.7.06 in Crl.M.A. 3609/06

R1 & R2 BY PP SRI.P.RAVINDRA BABU
ADD.R3 BY ADV.SRI.CIBI THOMAS

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 12 of 2004

ORDER

The prayer in this Crl.M.C. is to set aside the entire proceedings in C.C.No.520/00, pending before the Judicial First Class Magistrate's Court, Koothuparamba, registered for offences under Sections 419 and 468 IPC read with Section 34 thereof. There is also an alternative prayer to stay all further proceedings in C.C.No.520/00 aforesaid till A.S.No.115/02 of the Additional Sub Court, Thalassery, in respect of the matters involved in the criminal case, is disposed of.

2. The case against the petitioner is that she has impersonated the additional third respondent, who is her sister and hypothecated the property belonging to the third respondent by way of security for the loan availed of by her husband from the Koothuparamba Branch of the Kannur District Co-operative Bank.

3. On hearing the counsel for the petitioner, I am not of the view that the prayer to quash the proceedings in C.C.No.520/00 can be granted, as the contentions raised in this Crl.M.C. are matters to be established on evidence. It is also submitted that there is every chance of A.S.No.115/02 having been disposed of by this time. However, the final report produced before this Court contains only the charge portion with nothing else.

In these circumstances, I dismiss this Crl.M.C. without prejudice to the rights of the petitioner to advance all the contentions that she has raised in this Crl.M.C. before the trial court at the appropriate time.

3rd August, 2007 (K.P.Balachandran, Judge)

tkv